

AMENDED IN SENATE APRIL 4, 2005

SENATE BILL

No. 579

Introduced by Senator Aanestad

February 18, 2005

An act to ~~repeal Sections 3129 and 3130~~ *amend Section 3129* of the Business and Professions Code, relating to optometry.

LEGISLATIVE COUNSEL'S DIGEST

SB 579, as amended, Aanestad. Optometry: advertisement.

Under existing law, the Optometry Practice Act, the State Board of Optometry licenses and regulates persons engaged in the practice of optometry. Existing law makes it unlawful to advertise optometric services as being free or without cost. ~~Existing law also makes it unlawful to advertise the practice of optometry in any advertisement relating to the sale or disposition of goggles, sunglasses, colored glasses, or occupational eye protective devices.~~

~~This bill would repeal these advertising prohibitions.~~

This bill would instead make it unlawful to advertise as being free or without cost the furnishing of optometric services where the services are contingent upon payment or other exchange of consideration unless the contingency is fully disclosed.

Because a violation of the bill would be a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 3129 of the Business and Professions~~
2 ~~Code is repealed.~~

3 ~~SEC. 2. Section 3130 of the Business and Professions Code is~~
4 ~~repealed.~~

5 ~~SECTION 1. Section 3129 of the Business and Professions~~
6 ~~Code is amended to read:~~

7 ~~3129. It is unlawful to advertise as being free or without cost~~
8 ~~the examination or treatment of the eyes or the furnishing of~~
9 ~~optometrical optometric services where these services are~~
10 ~~contingent upon payment or other exchange of consideration for~~
11 ~~goods or other services offered by the provider, unless any such~~
12 ~~contingency is fully disclosed in the same advertisement.~~

13 ~~SEC. 2 No reimbursement is required by this act pursuant to~~
14 ~~Section 6 of Article XIII B of the California Constitution because~~
15 ~~the only costs that may be incurred by a local agency or school~~
16 ~~district will be incurred because this act creates a new crime or~~
17 ~~infraction, eliminates a crime or infraction, or changes the~~
18 ~~penalty for a crime or infraction, within the meaning of Section~~
19 ~~17556 of the Government Code, or changes the definition of a~~
20 ~~crime within the meaning of Section 6 of Article XIII B of the~~
21 ~~California Constitution.~~